

05-30-02

#12/RCE/2800  
PTO/SB/30 (08-00)  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
Approved for use through 10/31/2002. OMB 0657-0031  
6-6-02  
RECEIVED  
MAY 31 2002  
MAIL ROOM

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST  
FOR  
CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,  
provides for continued examination of an utility or plant application  
filed on or after June 8, 1995.  
See The American Inventors Protection Act of 1999 (AIPA).

|                        |                   |
|------------------------|-------------------|
| Application Number     | 09/648,071        |
| Filing Date            | 25 August 2000    |
| First Named Inventor   | David Yinkai Chao |
| Group Art Unit         | 2873              |
| Examiner Name          | Dang, Hung Xuan   |
| Attorney Docket Number | 7115.019          |

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.1. **Submission required under 37 C.F.R. § 1.114**

EL893731801US

- a. ☒ Previously submitted  
i. ☒ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on May 15, 2002  
(Any unentered amendment(s) referred to above will be entered).  
ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_  
iii. ☐ Other \_\_\_\_\_  
b. ☐ Enclosed  
i. ☐ Amendment/Reply  
ii. ☐ Affidavit(s)/Declaration(s)  
iii. ☐ Information Disclosure Statement (IDS)  
iv. ☐ Other \_\_\_\_\_

2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)  
b. ☐ Other \_\_\_\_\_

3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☐ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. \_\_\_\_\_  
i. ☐ RCE fee required under 37 C.F.R. § 1.17(e) 05/31/2002 AHONDAF1 00000104 09648071  
ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17) 01 FC:279 370.00 0P  
iii. ☐ Other \_\_\_\_\_  
b. ☒ Check in the amount of \$ 370.00 enclosed  
c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

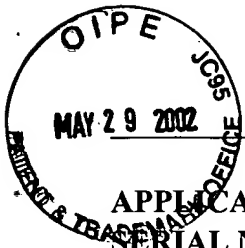
|                   |                   |                                   |              |
|-------------------|-------------------|-----------------------------------|--------------|
| Name (Print/Type) | Richard J. Danjko | Registration No. (Attorney/Agent) | 33,672       |
| Signature         |                   | Date                              | May 29, 2002 |

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on: ~

|                   |                  |      |              |
|-------------------|------------------|------|--------------|
| Name (Print/Type) | Randi Flamenbaum | Date | May 29, 2002 |
| Signature         |                  |      |              |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Assistant Commissioner for Patents, Box RCE, Washington, DC 20231.



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**APPLICANT:** David Yinkai Chao  
**SERIAL NO.:** 09/648,071  
**FILED:** August 25, 2000  
**ATTY. DOCKET:** 57115.019  
**TITLE:** **EYEGLOSS COMBINATION HAVING AUXILIARY FRAME**

**EXPRESS MAIL CERTIFICATE**

Express Mail Label No. EL 893731801 US

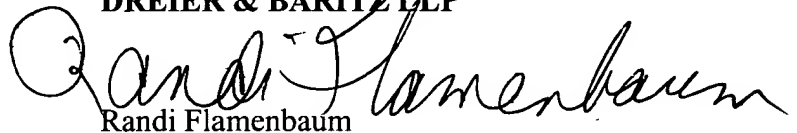
Date of Deposit: May 29, 2002

I hereby certify that the following attached paper(s) and/or fee

- (1) Request for Continued Examination (RCE) Transmittal;
- (2) A check in the amount of \$370.00 to cover RCE filing fee {Small Entity}
- (3) Fee Transmittal;
- (4) Express Mail Certificate;
- (5) A self-addressed stamped postcard, return of which is requested to acknowledge receipt of the enclosed documents.

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. Section 1.10 on the date indicated above and is addressed to the "Assistant Commissioner for Patents, Box RCE, Washington, D.C. 20231"

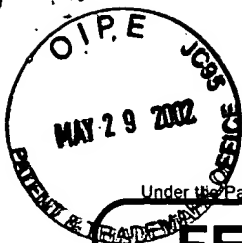
Respectfully submitted,  
**DREIER & BARITZ LLP**

  
Randi Flamenbaum

Dated: May 29, 2002  
CORRESPONDENCE:

**DREIER & BARITZ LLP**  
499 Park Avenue, 20<sup>th</sup> Floor  
New York, NY 10022  
Tele: (212) 328-6100  
Fax: (212) 328-6101

RECEIVED  
MAY 31 2002  
TO 2800 MAIL ROOM



PTO/SB/17 (10-01)  
Approved for use through 10/31/2002. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ ) 830.00

## Complete if Known

Application Number 09/648,071  
Filing Date May 29, 2002  
First Named Inventor David Yinkai Chao  
Examiner Name Dang, Hung Xuan  
Group Art Unit 2873  
Attorney Docket No. 7115.019

RECEIVED  
MAY 31 2002  
TO 2800 MAIL ROOM

## METHOD OF PAYMENT

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number   
Deposit Account Name

- ☐ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17  
☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☐ Other

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description        | Fee Paid |
|----------|----------|----------|----------|------------------------|----------|
| 101      | 740      | 201      | 370      | Utility filing fee     |          |
| 106      | 330      | 206      | 165      | Design filing fee      |          |
| 107      | 510      | 207      | 255      | Plant filing fee       |          |
| 108      | 740      | 208      | 370      | Reissue filing fee     |          |
| 114      | 160      | 214      | 80       | Provisional filing fee |          |

SUBTOTAL (1) (\$ )

### 2. EXTRA CLAIM FEES

Extra Claims Fee from below Fee Paid  
Total Claims  -20\*\* =  X  =   
Independent Claims  -3\*\* =  X  =   
Multiple Dependent  =

Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description  |
|----------|----------|----------|----------|--|
| 103      | 18       | 203      | 9        | Claims in excess of 20                                     |
| 102      | 84       | 202      | 42       | Independent claims in excess of 3                          |
| 104      | 280      | 204      | 140      | Multiple dependent claim, if not paid                      |
| 109      | 84       | 209      | 42       | ** Reissue independent claims over original patent         |
| 110      | 18       | 210      | 9        | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$ )

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

| Large Entity Fee Code | Small Entity Fee Code | Fee Description | Fee Paid |  |        |
|-----------------------|-----------------------|-----------------|----------|--|--------|
| 105                   | 130                   | 205             | 65       | Surcharge - late filing fee or oath  |        |
| 127                   | 50                    | 227             | 25       | Surcharge - late provisional filing fee or cover sheet                     |        |
| 139                   | 130                   | 139             | 130      | Non-English specification  |        |
| 147                   | 2,520                 | 147             | 2,520    | For filing a request for ex parte reexamination                            |        |
| 112                   | 920*                  | 112             | 920*     | Requesting publication of SIR prior to Examiner action                     |        |
| 113                   | 1,840*                | 113             | 1,840*   | Requesting publication of SIR after Examiner action                        |        |
| 115                   | 110                   | 215             | 55       | Extension for reply within first month                                     |        |
| 116                   | 400                   | 216             | 200      | Extension for reply within second month                                    |        |
| 117                   | 920                   | 217             | 460      | Extension for reply within third month                                     |        |
| 118                   | 1,440                 | 218             | 720      | Extension for reply within fourth month                                    |        |
| 128                   | 1,960                 | 228             | 980      | Extension for reply within fifth month                                     |        |
| 119                   | 320                   | 219             | 160      | Notice of Appeal   |        |
| 120                   | 320                   | 220             | 160      | Filing a brief in support of an appeal                                     |        |
| 121                   | 280                   | 221             | 140      | Request for oral hearing   |        |
| 138                   | 1,510                 | 138             | 1,510    | Petition to institute a public use proceeding                              |        |
| 140                   | 110                   | 240             | 55       | Petition to revive - unavoidable   |        |
| 141                   | 1,280                 | 241             | 640      | Petition to revive - unintentional   |        |
| 142                   | 1,280                 | 242             | 640      | Utility issue fee (or reissue)   |        |
| 143                   | 460                   | 243             | 230      | Design issue fee   |        |
| 144                   | 620                   | 244             | 310      | Plant issue fee  |        |
| 122                   | 130                   | 122             | 130      | Petitions to the Commissioner  |        |
| 123                   | 50                    | 123             | 50       | Processing fee under 37 CFR 1.17(q)  |        |
| 126                   | 180                   | 126             | 180      | Submission of Information Disclosure Stmt                                  |        |
| 581                   | 40                    | 581             | 40       | Recording each patent assignment per property (times number of properties) |        |
| 146                   | 740                   | 246             | 370      | Filing a submission after final rejection (37 CFR § 1.129(a))              |        |
| 149                   | 740                   | 249             | 370      | For each additional invention to be examined (37 CFR § 1.129(b))           |        |
| 179                   | 740                   | 279             | 370      | Request for Continued Examination (RCE)                                    | 370.00 |
| 169                   | 900                   | 169             | 900      | Request for expedited examination of a design application                  |        |

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 370.00

## SUBMITTED BY

|                   |                   |                                   |              |           |              |
|-------------------|-------------------|-----------------------------------|--------------|-----------|--------------|
| Name (Print/Type) | Richard M. Danyko | Registration No. (Attorney/Agent) | 33,672       | Telephone | 212 328-6114 |
| Signature         |                   | Date                              | May 29, 2002 |           |              |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.